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FILE NO: 29142.080072

April 8, 2016

Submitted via FOIA Online

National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20004

Re: Freedom of Information Act Request

Dear Sir or Madam:

I represent the Utility Water Act Group, Southwestern Electric Power Company, and Union Electric Company (d/b/a Ameren Missouri) in litigation involving EPA's recently issued final Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category (the "ELG Rule").

This is a request pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and EPA's FOIA regulations, 40 C.F.R. Part 2, for EPA to release records¹ related to the ELG Rule, but which are not part of the ELG Rule rulemaking record. Specifically, this request seeks those records and portions of records that meet all of the following criteria: (1) they are communications or information exchanged between EPA and vendors² between August 1,

¹ The term "records" as used herein includes originals, drafts, and non-identical copies of the same, whether printed or reproduced by any means, and includes, but is not limited to, correspondence, letters, memoranda, notes, emails, inter- or intra-office agency or departmental communications, summaries of personal or telephone conversations or interviews, minutes or records of meetings or conferences (including meetings of boards, committees, sub-committees, or any individual member thereof), press releases, telegrams, telexes, books, preliminary and final reports, logs, diaries, audio recordings, video recordings, computer files, charts, notebooks, calendars, statistical statements, tables, tabulations, calculations, data, diagrams, plans, drawings, blueprints, and orders, opinions or reports of consultants, experts, engineers, accountants, or analysts.

² The term "vendors" as used herein means individuals, private companies, and other entities that are not themselves members of the regulated Steam Electric Power Generating Point Source Category, but who, whether voluntarily or otherwise, provided EPA with information on products or processes either (1) employed by the steam electric power generating industry to achieve compliance with then-existing effluent limitations guidelines or (2) that might be impacted (favorably or unfavorably) by revised effluent limitations guidelines for the Steam Electric Power Generating Point Source Category.



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2005 and November 3, 2015; (2) they relate to effluent limitations guidelines for the Steam Electric Power Generating Point Source Category, potential or actual rulemakings for such, or products or processes that could be implicated by such rulemakings; and (3) they are **not** currently part of the public ELG Rule rulemaking record.

Please make available a copy of any responsive records or portions of any other records that meet the criteria above, **including but not limited to:**

1. documents recording information provided to EPA by vendors or to vendors by EPA;
2. documents describing any and all meetings or communications between EPA and vendors;
3. documents produced by or for, or provided to EPA by, a third party, that contain information from vendors; and
4. documents produced by EPA, vendors, or third parties based on information from vendors.

Specifically excluded from the scope of this request is any record for which a member of the regulated Steam Electric Power Generating Point Source Category has asserted a claim of confidential business information.

In addition to the records described above, please provide a copy of EPA's response to any FOIA request by any party seeking documents relating to this subject-matter as well as copies of any documents produced in response to such a request.

If an exemption or denial under FOIA is claimed for any of the above, I request that you furnish us with all non-exempt portions of such records, as required under the law. I further request that, regardless whether the disclosure of a record is denied in whole or in part, EPA provide us with the following information regarding such withheld records or portions thereof:

1. the title of the record;
2. the date of the record;
3. a description of the general nature and subject matter of the record;
4. the identity of the author or authors of the record;



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5. the identity of all persons who received the record; and
6. the reasons for the claim of exemption.

My clients are willing to pay appropriate fees attributable to this request and to make whatever payment arrangements are necessary. Under 40 C.F.R. § 2.107(b), the fee category is "commercial use request." However, please contact me if you estimate that the fees will exceed \$2,000. I request that these documents be provided in electronic format.

Pursuant to 40 C.F.R. § 2.104(a), it is my understanding that we will receive a response within 20 working days from the date this request is received. Please direct copies of the information requested and all correspondence regarding this request to my attention at the above address.

Thank you for your attention to this request. If you have any questions, please contact me at (804) 788-8784.

Sincerely,

A handwritten signature in black ink, appearing to read "H.M. Johnson, III".

Harry M. Johnson, III
*Counsel for Utility Water Act Group,
Southwestern Electric Power Company, and
Union Electric Company (d/b/a Ameren Missouri)*